

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

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JOHN DOE, JOHN DOE, SR., et al,  
Plaintiffs,

**ORIGINAL**

vs. Case No. 3-02-CV-0444

FATHER ERIC ENSEY, FATHER CARLOS  
URRUTIGOITY, et al,  
Defendants.

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VIDEO DEPOSITION OF: FATHER DANIEL OPPENHEIMER  
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Video deposition of FATHER DANIEL OPPENHEIMER,  
taken pursuant to notice at the University of  
Wisconsin Extension, 1705 State Street, 102 Wing  
Technical Center, La Crosse, Wisconsin, commencing  
at 10:17 a.m. on the 25th day of March 2004, before  
Julie A. Buehler, Registered Professional Reporter  
and Notary Public in and for the County of Olmsted,  
State of Minnesota.

**EXHIBIT**

tabbles

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## EXAMINATION BY:

MR. BENDELL

MR. CIMINI

6

34, 35

EXHIBIT  
NO.

DESCRIPTION

PAGE  
MARKED

A

Copy of E-Mail dated March 12,  
2002

4

B

Copy of E-Mail dated March 13,  
2002

4

ORIGINAL TRANSCRIPT FORWARDED TO MR. BENDELL

TWO EXHIBITS MARKED AND ATTACHED

JULIE BUEHLER RICE REPORTING AGENCY  
1-800-551-0154

1 (Whereupon, OPPENHEIMER Deposition  
2 Exhibits A and B were marked for identification.)

3 FATHER DANIEL OPPENHEIMER,  
4 called as a witness, having been first duly sworn,  
5 testified as follows:

6 VIDEOGRAPHER: Good morning. This is Bob  
7 Metcalf, I'm the videographer this morning. As I  
8 said, my name is Robert Metcalf, 502 Main Street,  
9 La Crosse, Wisconsin 54601. I have my own business  
10 so it's under Bob Metcalf, Commercial Photography,  
11 at 502 Main Street in La Crosse, Wisconsin. It is  
12 March 25th and it's 10:17 Central time. And we are  
13 taking this deposition this morning at the  
14 University of Wisconsin in La Crosse, Wisconsin at  
15 1705 State Street at 102 in the Wing Technology  
16 Center in La Crosse, Wisconsin. The name of our  
17 witness this morning is Father Daniel Oppenheimer,  
18 and this is being taken -- I'm not sure who I'm  
19 supposed to be using for who this is on behalf of  
20 here this morning, gentlemen.

21 MR. BENDELL: Plaintiffs.

22 VIDEOGRAPHER: Okay, Plaintiff Doe. Do  
23 you need the case number read in?

24 MR. BENDELL: Yes.

25 VIDEOGRAPHER: Case No. 3-02-CV-0444.

1 MR. BENDELL: You're supposed to identify  
2 where it is and what time it is.

3 VIDEOGRAHER: I did that.

4 (Discussion off the record.)

5 MR. BIRNBAUM: Let me indicate my purpose  
6 here. I have been retained by Father Oppenheimer to  
7 be here to represent him during the course of this  
8 deposition. I have had conversations with Counsel  
9 for the Fraternal Society of Saint Peter of which  
10 Father Oppenheimer has been incarnated, and we have  
11 asked the fraternity to provide counsel, recognizing  
12 that they acknowledge that it would not be  
13 appropriate for their counsel to represent Father  
14 Oppenheimer in this particular deposition. But we  
15 at least tendered that defense to them and I learned  
16 yesterday that they have rejected that. I want to  
17 be clear that my participation in representation of  
18 Father Oppenheimer does not in any way waive any  
19 entitlement he would have to defense by the  
20 Fraternity of Saint Peter.

21 The second matter I would like to state for  
22 the record is I, prior to the deposition, have been  
23 provided I believe by Mr. Bendell copies of two  
24 documents that have been identified as exhibits.  
25 Without knowing the total nature of the inquiry, I

1 might state that the documents contain  
2 communications which really touch upon and are  
3 related to internal church matters. And to the  
4 extent that those matters relate to internal church  
5 governance, I would tender a general objection on  
6 the basis of the First Amendment that these issues  
7 are not appropriately before a civil forum. And so  
8 Father Oppenheimer's participation in this  
9 deposition is not intended to waive any such claims  
10 of privilege and/or First Amendment protection by  
11 the nature of what's being asked. So with that,  
12 Father Oppenheimer is here pursuant to your  
13 subpoena.

14 MR. BENDELL: Okay, can I begin  
15 questioning now?

16 MR. BIRNBAUM: Yes.

17 EXAMINATION

18 BY MR. BENDELL:

19 Q. Father Oppenheimer, can you hear me?

20 A. I can.

21 Q. I would ask you to speak up a little bit because  
22 we've got multiple electronic relays here so your  
23 voice is a little faint. First, do you have  
24 Exhibits 1 and 2 before you?

25 A. Yes.

1 Q. Those are the same two documents you were shown the  
2 last time you were scheduled for a deposition, is  
3 that correct?

4 MR. BIRNBAUM: Mr. Bendell, the problem  
5 is that the exhibits have been marked not as one and  
6 two --

7 MR. BENDELL: You've got to slow down and  
8 speak up. I can't hear you.

9 MR. BIRNBAUM: All right. The exhibits  
10 that you're showing Father Oppenheimer were not  
11 marked Exhibits 1 and 2, they were marked Exhibits A  
12 and B.

13 BY MR. BENDELL:

14 Q. Oh, all right, well, excuse me, I'll change that to  
15 A and B, and I'll restate the question. Exhibits A  
16 and B are the same two exhibits that you were shown  
17 the last time your deposition was scheduled, is that  
18 right, Father?

19 A. Yes.

20 Q. And they contain two e-mails that you sent to  
21 Mr. Jeffrey Bond, one on March 12, 2002 and one on  
22 March 13, 2002, is that correct?

23 A. Yes.

24 Q. Okay, I want to direct your attention to Exhibit A.  
25 The second sentence of your e-mail, it says as

1 follows, "I wondered if it occurs to you that the  
2 Fraternity of Saint Peter, in the person of its  
3 present Superior General, is not more involved in  
4 coverup than has been allowed by your recent  
5 letter," unquote. Do you see that?

6 A. Yes.

7 Q. Who was the present Superior General at that time?

8 A. Father Arnaud Devillers.

9 Q. Is he still the Superior General?

10 A. I think so. I don't know.

11 Q. Are you a member of the Fraternity of Saint Peter?

12 A. I am.

13 Q. Could you tell us when you joined the fraternity?

14 A. In 1988.

15 Q. Okay. When were you ordained to the priesthood?

16 A. In 1991.

17 Q. And who ordained you?

18 A. Bishop Kurt Krenn, Wigratzbad, Germany, then  
19 Auxiliary of Vienna, Austria.

20 Q. Where did you go to seminary?

21 A. I went to Saint Pius X seminary in Ecône, Nicône,  
22 Switzerland for four years, and Saint Peter seminary  
23 in Germany for two years.

24 Q. Can you tell us where you were stationed with the  
25 Fraternity of Saint Peter commencing with your



1 ordination in 1988?

2 A. I was stationed for three weeks in Versailles,  
3 France, then transferred to Lyon, France where I was  
4 for almost one year. Then I initiated all the  
5 contacts with Bishop James C. Timlin, and I was the  
6 priest responsible for the implantation of the  
7 Fraternity of Saint Peter and its subsequent works  
8 in the Diocese of Scranton, Pennsylvania, and that  
9 took place in the first week of July of 1992.

10 Q. And how long did you continue to reside in the  
11 Diocese of Scranton?

12 A. I was there until August 1996.

13 Q. And where did you go in 1996?

14 A. I went for one semester to the International  
15 Theological Institute in Gaming, Austria. I then  
16 transferred to the Pontifical University of Saint  
17 Thomas in Rome in around January of 1997.

18 Q. And where did you go after that?

19 A. That's very complicated. I received my degree --

20 Q. That's all right, we have time.

21 A. I received my degree in 1999, in February of 1999.  
22 I then returned to the United States and was there  
23 doing supply work as assigned by Father Arnaud  
24 Devillers, who was at that time the District  
25 Superior of the fraternity in the United States,

1           until I received permission to live outside the  
2           community for one year. That began I believe in  
3           September or October of 1999. And after that year,  
4           I received a writ of -- I don't quite know what it's  
5           called, but anyway, by Canon Law I was allowed to --  
6           I was released from the fraternity ad experimentum,  
7           without any time period attached, to the Bishop of  
8           La Crosse, Wisconsin where I've been ever since.

9       Q. Now, are you incarnated in the Diocese of La Crosse?

10      A. I am not.

11      Q. Okay. Are you part of any type of priestly  
12           association in La Crosse?

13      A. I am a priest ad experimentum in the presbyterate of  
14           La Crosse.

15      Q. Is there an organization known as the Canons of New  
16           Jerusalem?

17      A. There's an organization known as the Canons Regular  
18           of the New Jerusalem, yes.

19      Q. Okay. And are you part of that?

20      A. I'm the founder of that.

21      Q. Could you describe what that is?

22      A. It is a public association of the faithful in the  
23           Diocese of La Crosse. It is priestly in nature and  
24           it has as its purpose the perfection of charity  
25           according to the rule of St. Augustine and a

1       prescribed set of constitutions and directory of  
2       discipline. It is a religious community, properly  
3       speaking, in the beginning stages.

4       Q. So is it the eventual intent to have this become a  
5       religious order?

6       A. As you understand the term religious order, yes.

7       Q. Is this organization presently under the authority  
8       of the Diocese -- of the Bishop, rather, of  
9       La Crosse?

10      A. We have no Bishop at the moment, but the answer to  
11      your question, generally speaking, is yes.

12      Q. Okay. Now I'm going to refer you back to Exhibit A.  
13      In the sentence that I referred to before, in what  
14      manner was Father Devillers involved -- "more  
15      involved in a coverup," unquote, as you mentioned in  
16      there?

17                   MR. BIRNBAUM: Mr. Bendell, Father  
18      Oppenheimer has requested an opportunity to ask me a  
19      question. I have no idea what he's going to be  
20      asking me, so I would ask that we let him confer  
21      with me in the event that it involves a privileged  
22      communication.

23                   MR. BENDELL: He can confer with you,  
24      that's fine.

25                   (Discussion off the record.)

1 MR. BIRNBAUM: We're ready to proceed,  
2 Mr. Bendell.

3 BY MR. BENDELL:

4 Q. Okay, Father, could you answer the question?

5 A. Yes. I'm a Roman Catholic priest and my principal  
6 obligation is to God and his church. And my  
7 priesthood is such that I am very aware that it is  
8 God who judges me in my behavior and what I say.  
9 And therefore, I don't intend by what is to follow  
10 to cast aspersions on the character of Arnaud  
11 Devillers, whom I have known since 1982 deeply and  
12 personally. But this is generally known of his  
13 character, the manner in which he behaves, the  
14 manner in which he conducts himself, the manner by  
15 which he administers those responsibilities which  
16 have been given to him, are such that clarity, lack  
17 of ambiguity, directness of communication, and plain  
18 logic in their pursuit is absent. I have seen this  
19 for many, many years and finally departed the  
20 Institute without lawsuits because it was clearly  
21 obvious to me there was no operative channel of  
22 redress. Arnaud Devillers is difficult to work  
23 with. And therefore, when I speak of coverup, there  
24 is a whole methodology which reminds me far more of  
25 the way the Society of St. Pius X conducted its

1 internal affairs, that being an institute of  
2 schismatic identity than what you characterize  
3 priests of the Roman Catholic Church. That's what I  
4 meant.

5 Q. I'm going to point you to the next sentence. You  
6 refer to Father Carr as an honorable man but then  
7 you say, quote, "But his predecessor, someone I have  
8 known well and closely since 1982, is more  
9 adequately characterized by the brief exchange you  
10 quote as having taken place between him and one of  
11 the dorm fathers, the explanation of the Society's  
12 techniques opening the Saint Gregory's boys up to  
13 the word of God," unquote. Who is the predecessor  
14 you're referring to?

15 A. I didn't hear the question itself.

16 Q. You mentioned Father Carr's predecessor, who is it?

17 A. Arnaud Devillers.

18 Q. Okay. And what are you referring to with regard to  
19 Mr. Bond's recitation of a quote regarding the  
20 techniques used by the Society of Saint John with  
21 regard to Saint Gregory's boys?

22 MR. LEESON: I object to that question  
23 because you're asking for the intent of a third  
24 party witness in making a statement. That third  
25 party witness is not here today to account for that

1 statement or to explain its intent. And apparently  
2 it's not a statement made by the witness. So I  
3 think it's an inappropriate question. I object to  
4 it.

5 BY MR. BENDELL:

6 Q. Father, I'm not sure if you recall this, but the way  
7 it works is the other lawyers can make an objection,  
8 the judge rules on those at trial, but in the  
9 meantime you go ahead and answer the question.

10 A. If in fact Jeffrey Bond in the letter that I read,  
11 that I was quoting from, if in fact Jeffrey Bond  
12 quoted Arnaud Devillers correctly, that Arnaud  
13 Devillers said of the situation that Bond was  
14 describing, that these were techniques used by these  
15 priests to open the boys up to the word of God, I  
16 must say knowing the man as well as I do and dealing  
17 with his method of administration, dealing with real  
18 problems and everything else, this is typical. And  
19 in response to what was proposed as the cause for  
20 this remark, this remark in proportion to what was  
21 said causing the remark, this response is certainly  
22 preposterous.

23 Q. Now, going to the next sentence, it says, quote, "It  
24 is characteristic of an entire nexus of human  
25 dealings on Devillers' part that includes

1           significant moral evil," unquote. What did you mean  
2           by Father Devillers' dealings involving moral evil?

3       A. Could you rephrase the question?

4       Q. Well, you refer to Father Devillers' dealings as  
5           being -- as including significant moral evil. What  
6           is that moral evil that you're referring to?

7       A. The manner in which people were abused, not  
8           sexually, but psychologically, that is to say,  
9           justice that was run ragged and people whose lives  
10          were injured in various and sundry ways. The nexus  
11          being, as I said before, indistinguishable from the  
12          manner in which the Society of Saint Pius X governs  
13          itself.

14      Q. In the next sentence, it says, "I left the  
15          Fraternity of Saint Peter because of criminal  
16          conduct, public coverups, and accommodation of  
17          immorality on the part of its superiors." I want to  
18          ask that in its component parts. What was the  
19          criminal conduct you were referring to?

20      A. I use the word criminal in the sense that it is  
21          understood in moral theology and in Canon Law, that  
22          is conduct which is not in accord with the standards  
23          of Roman Catholic Ecclesiastical law in its norms,  
24          its ways of going about things.

25      Q. And describe the criminal conduct you're referring

1 to?

2 A. It would be too multiple to go into.

3 Q. Well, just give me six examples?

4 A. Six? The lack of assuring community life according  
5 to the code of Canon Law and the constitution of the  
6 Fraternity of Saint Peter. The lack of due process  
7 of law within the institute itself and right  
8 government and judgment on the part of superiors in  
9 listening to their superiors, listening to their  
10 subjects. The misappropriation of my parish funds  
11 in my work. The psychological abuse heaped on one  
12 particular nun that I can think of in specific.  
13 Employing people and then terminating them without  
14 training, without justice. That's five. Sending  
15 me, for example, a deacon who had been refused  
16 ordination in the seminary, who after being with me  
17 for six months and was clearly problematic from the  
18 most objective standards, and when I objected to his  
19 ordination, vilifying me and, you know, passing him  
20 on to ordination. I think that's six.

21 Q. Who was that deacon?

22 A. Just a moment.

23 (Discussion off the record.)

24 A. Karl Pikus.

25 BY MR. BENDELL:



1 Q. Okay. And why was he rejected before?

2 A. I have no idea.

3 Q. Who was the nun that was abused?

4 A. What do you mean by abused?

5 Q. Whatever you meant by it. You said there was one  
6 nun who was abused. I want to know her name.

7 A. Well, I would use the word abused certainly not in a  
8 sexual sense, but a psychological sense. Sister  
9 Anna Marie.

10 Q. And what was her last name?

11 A. I don't know.

12 Q. And what order does she belong to?

13 A. I don't know.

14 Q. Was she in Scranton?

15 A. Yes, she was.

16 Q. The next thing you referred to with regard to the  
17 fraternity is, quote, "public coverups," unquote.  
18 What public coverups were you referring to?

19 A. I was referring to falsified statement in the sense  
20 of what was objectively the case that I encountered  
21 in the Wanderer newspaper regarding the paroxysms of  
22 internal problems in the Fraternity of Saint Peter  
23 which had a spin on them that was not in conformity  
24 with reality as I knew it.

25 Q. Could you give me an example of some of the

1           paroxysms?

2       A.   The year 2000, the Fraternity of Saint Peter had a  
3           very well-known and worldwide publicized internal  
4           paroxysm.   That's it.

5       Q.   Well, for those of us who are not familiar with the  
6           term paroxysm, would you describe it in less  
7           polysyllabic terms?

8       A.   Upset.

9       Q.   Okay.   So what was the upset that occurred in 2000?

10      A.   The upset was that many people thought that there  
11           was a schismatic mind-set afoot inside the  
12           fraternity in operative, in governing things.   There  
13           are various and sundry divisions in the community  
14           which arise from a number of different sources.   All  
15           of them, however, derive from a lack of sound  
16           formation according to principles clearly laid out  
17           in official magisterial teachings of the church.  
18           And these upsets and divisions and dissensions and  
19           everything else came to a fantastically public head  
20           in the year 2000, after which a number of people  
21           left.

22      Q.   Okay.   The next item you refer to is "accommodation  
23           of immorality on the part of its superiors."   What  
24           immorality were you talking about?

25      A.   Well, one instance that comes to mind is how many

1 times I drew attention to the mishandling of funds  
2 regarding my administration of my parish to the  
3 Superior General, who was Joseph Bisig, and  
4 absolutely nothing was done whatsoever to deal with  
5 that.

6 Q. What was the nature of the immorality again?

7 A. The manner in which my parish funds were  
8 appropriated without any consultation with me in  
9 regard to them and how they were being used by me as  
10 the administrator of my work.

11 MR. LEESON: Mr. Bendell, this is Joe  
12 Leeson speaking. I just need to put a standing  
13 objection on the record rather than interrupt all  
14 the questions and answers. Do you mind if I make  
15 that standing objection?

16 MR. BENDELL: No, that's fine, Joe.

17 MR. LEESON: My standing objection is  
18 that all of the information that we're hearing today  
19 in my view is inadmissible, scandalous, irrelevant,  
20 and impertinent to the issues at hand in this  
21 particular litigation. I don't think any of this  
22 stuff is admissible. A lot of it is hearsay based  
23 and there's certainly First Amendment issues as well  
24 that Mr. Oppenheimer's Counsel has raised. I don't  
25 know if there's any other objection anybody else

1 has, but I'm not going to repeat them. I think one  
2 standing objection, if you give that, is enough.

3 MR. BENDELL: You bet.

4 MR. LEESON: So we can just move on.

5 MR. O'BRIEN: This is Jim O'Brien. I was  
6 going to wait until you mentioned Bishop Timlin, but  
7 I might as well do it now. I would argue that  
8 there's no foundation been laid for any of this  
9 testimony, certainly not a proper foundation laid  
10 certainly, and it doesn't appear that there's any  
11 relevancy in any manner to the charges of the Does.  
12 And all of this testimony is prejudicial to the  
13 Bishop and the Diocese, and I'd object and ask that  
14 any references to Bishop Timlin and/or the Diocese  
15 of Scranton be stricken for the above reasons.

16 MR. COGNETTI: This is Sal Cognetti.  
17 I'll join in that standing objection and I will also  
18 point out that his entire testimony as well as the  
19 two exhibits you've marked will not lead to the  
20 discovery of material that is germane or pertinent  
21 to the underlying lawsuit.

22 BY MR. BENDELL:

23 Q. Okay. And I'll stipulate that those are standing  
24 objections. And, Father, sorry for the  
25 interruption. Going on to the next sentence, it

1        says, "I found in my many aggravated dealings about  
2        the internal FSSP problems with Bishop Timlin, all  
3        of which were, without exception, the result of the  
4        priest you have referenced in your most recent  
5        letter, that Bishop Timlin could be relied upon to  
6        do nothing," unquote. You wrote that, didn't you?

7        A. Yes.

8        Q. And the priest that Jeffrey Bond was referring to  
9        was Father Carlos Urrutigoity?

10       A. No.

11       Q. Who was it?

12       A. Arnaud Delvillers.

13       Q. Okay. And the next sentence says, "He was always  
14       very good to me and I am grateful to him for that."  
15       Are you referring to Bishop Timlin?

16       A. Yes.

17       Q. Okay. Several sentences down it says, quote, "I am  
18       unspeakably ashamed of what took place following my  
19       initiative," unquote. What were you ashamed of  
20       specifically?

21       A. The manner in which the proposal that I drew up  
22       myself brought to the Bishop after three -- that is  
23       Bishop James Timlin, after three different  
24       interviews and encounters, what had -- what it had  
25       turned into in the Diocese there. It went far

1           beyond what I asked him to do. And why was I  
2           ashamed of it? Because what I proposed to do in  
3           that Diocese was superceded by other things over  
4           which I had no control whatsoever.

5       Q. Why don't you turn to the next page. The fourth  
6           line down says, quote, "Father Carr has inherited  
7           the aftermath of an regime that was not honorable.  
8           FSSP knowledge of what you have bravely and  
9           tenaciously sought to expose certainly predates  
10          Bishop Timlin's knowledge of the situation,"  
11          unquote. What knowledge are you referring to there?

12       A. I can't remember the details. Mr. Bond was -- had  
13          his finger in a very complex stew that had to do  
14          with the psychological makeup and manner of behavior  
15          of the players. At the time that I contacted him,  
16          which was very early on in Bond's activities, I  
17          thought that he was trying to do something that  
18          would bring to light some things.

19       Q. Does that conclude your answer?

20       A. Yes.

21       Q. Okay. Go on to the next paragraph, second sentence  
22          says, quote, "The FSSP high school, its flagship  
23          operation, was turned over to the SSJ by Arnaud  
24          Delvillers without batting an eye and certainly  
25          against common sense," unquote. You're talking

1 about Saint Gregory's Academy?

2 A. Yes.

3 Q. Why would Father Devillers doing that be against  
4 common sense?

5 A. The Fraternity of Saint Peter made its entry into  
6 the United States in three Dioceses at practically  
7 the same time. One was in the Dakotas somewhere,  
8 the other one was Dallas, and the third one was  
9 Scranton. Bishop Timlin, in response to my  
10 canonical proposal and my initiatives, gave us the  
11 most encompassing permissions which included also a  
12 school. The school was the flagship operation of  
13 the fraternity in the United States and under normal  
14 circumstances ought to have been a feeder institute  
15 for vocations. And it would seem to me that a  
16 Superior worth his salt would not turn over the  
17 chaplaincy of such a school to another institute.  
18 That's why.

19 Q. Okay. Now two sentences later, it says, quote,  
20 "Father Urrutigoity's taste for boys was known at  
21 the FSSP headquarters and yet nothing was done, in  
22 true FSSP style, to rectify the situation other than  
23 covering it up," unquote. You wrote that sentence?

24 A. I did.

25 Q. Could you tell me which individuals at FSSP knew of

1 Father Urrutigoity's, quote, "taste for boys,"  
2 unquote?

3 A. No. No, I can't.

4 MR. COGNETTI: I object to the form of  
5 the question.

6 MR. BENDELL: Anybody else want to object  
7 to it? I'll stipulate that everybody objects to it  
8 on every known ground of evidence, fair enough?

9 MR. COGNETTI: Fair enough.

10 BY MR. BENDELL:

11 Q. All right, Father, go ahead and answer the question.

12 A. I have no idea.

13 Q. You don't know which person -- okay, let me break it  
14 down even further. What did you mean, "Father  
15 Urrutigoity's taste for boys"?

16 A. The sleeping sickness.

17 Q. You mean the fact that he slept in bed with boys?

18 A. That's what everyone --

19 Q. -- is that what you mean?

20 A. That is what everyone talked about.

21 MR. LEESON: Well, I'm going to object  
22 about what everyone talked about unless the witness  
23 has direct eyewitness knowledge. I object to any  
24 hearsay, scandalous testimony by this witness.

25 MR. O'BRIEN: This is Joe O'Brien. I'm



1 stipulating that all these questions, every known  
2 ground evidence, I acknowledge as being vague in  
3 terms of an objection, because otherwise we're not  
4 going to be able to get through this in the hour  
5 that we have left.

6 MR. O'BRIEN: You're stipulating that  
7 every known ground of evidence is for any question  
8 you ask?

9 BY MR. BENDELL:

10 Q. No, I'm talking about this -- no, this critical one  
11 about Father Urrutigoity. It's critical questions  
12 about Father Urrutigoity. Now, let me ask you this,  
13 Father Oppenheimer, when you talk about Father  
14 Urrutigoity's taste for boys, you were referring to  
15 a sexual appetite, weren't you?

16 A. Not necessarily. I was referring to his taste for  
17 sleeping with boys, which was spoken of in a rather  
18 wide circle.

19 Q. What circle are you referring to? Are you talking  
20 about a circle of FSSP priests or Diocese priests?

21 A. Certainly not Diocese priests.

22 Q. Could you name any of the FSSP priests you heard  
23 mention this sleeping sickness?

24 A. No, I can't.

25 MR. LEESON: I object to the form of the

1 question. He never said sleeping sickness.

2 BY MR. BENDELL:

3 Q. Father Oppenheimer just used the word sleeping  
4 sickness. He just used it. Didn't you, Father?  
5 Father Oppenheimer?

6 A. I used it.

7 Q. Okay. Which FSSP priests did you hear talk about  
8 either sleeping sickness or Father Urrutigoity  
9 sleeping with boys or any other way of phrasing that  
10 item?

11 A. I cannot remember, and I'm not hedging.

12 Q. What period of time did you hear these statements  
13 being made?

14 A. Before this e-mail and after I left daily day-to-day  
15 living in that environment.

16 Q. So it would be after you left living in what  
17 environment?

18 A. That environment, the Scranton traditionalist  
19 scenario. I left it in August 1996 and this e-mail  
20 occurred when? In 2002, so it must have been in  
21 some time between them, those two dates.

22 Q. Okay, but you don't know any date more specific than  
23 that?

24 A. I'm sorry, I do not.

25 Q. Are you saying that Father Urrutigoity had a

1 reputation among FSSP priests for having a taste for  
2 boys?

3 A. No.

4 Q. Did he have a reputation of sleeping with boys?

5 A. There was certainly talk of it. I don't remember  
6 where it was because it did not interest me. I did  
7 not pursue it. It pursued me.

8 Q. And so was this by phone call, e-mail, or letter?

9 A. I don't remember. Certainly by personal visit in  
10 one case.

11 Q. And who was the person, that visit by?

12 A. A boy who was friends with the high school boys. I  
13 don't remember his name.

14 Q. Could it have been Joseph Schiambra?

15 A. No, it was not.

16 Q. You don't remember his name?

17 A. I do not.

18 Q. Do you remember where the visit took place?

19 A. I do. It was in the cloister of Saint Michael's  
20 Abbey in Silverado, California.

21 Q. Now, a few sentences down there you say, "Why should  
22 anything have been done? After all, the ordinances  
23 of civil law are to be ignored, law being an  
24 American disease that traditionalist European  
25 priests generally endowed with arrogance and absence

1 of functional intellects, certainly know better than  
2 law," unquote. Which civil law are you referring to  
3 being ignored, would that be pederasty?

4 A. No.

5 Q. Which law?

6 A. Many.

7 Q. Give me three examples?

8 A. Father Joseph Bisig deliberately parked our car one  
9 time in a handicapped zone in a restaurant and  
10 looked at me and said, "You think that I should not  
11 park here, don't you?" And we got a \$100 ticket and  
12 of course that was one more manifestation of  
13 something that I had lived with since 1982, in that  
14 Americans are disease ridden with their obsession  
15 with law.

16 Q. Can you give us two other examples?

17 A. Yes. In the renovation of the Fatima Center, now  
18 becomes Saint Gregory's Academy and the fraternity's  
19 headquarter, a civil -- I don't know what it's  
20 called -- warrant was issued to vacate the building.  
21 And as soon as the inspectors came and left, Arnaud  
22 Delvillers told everybody to move back in the  
23 building. They had been told to leave it until the  
24 building was certified or whatever for occupancy.

25 Q. Any other example you can think of?

1 A. Not offhand.

2 Q. A few sentences later there's a Latin sentence,  
3 "Arnaud dixit ergo est." What does that mean?

4 A. Arnaud has said so, therefore it is.

5 Q. Okay, a few sentences down you say, quote, "If  
6 sexual impropriety was going on at Saint Gregory's  
7 Academy, like the middle of the night underpants  
8 seances, the onus sits with the leaders and  
9 mouthpieces of the FSSP that did nothing to deal  
10 with it," unquote. Did you write that?

11 A. I did.

12 Q. And you believe that?

13 MR. LEESON: I'm going to object to the  
14 misleading nature of the question because the  
15 sentence is prefaced with the word if it was going  
16 on.

17 MR. BENDELL: That's what I said.

18 MR. LESSON: And you're assuming that it  
19 was going on by that question.

20 MR. BENDELL: No, no, no, I'm saying if  
21 there was sexual impropriety going on, do you  
22 believe that the onus sits with the leaders and  
23 mouthpieces of the FSSP that did nothing to deal  
24 with it. I'm just quoting back his sentence. I'm  
25 asking the witness, do you believe this sentence

1           that you wrote.

2                       MR. LEESON: I still object. The witness  
3           can answer.

4   A. In religious communities, lawful authority is  
5       responsible for the conduct of subjects. If  
6       questionable conduct or imprudent conduct is going  
7       on, it is ultimately the authority who is in charge  
8       who is responsible, but there are lesser individuals  
9       who are also responsible. Everyone in human life is  
10      responsible for their own conduct in one degree or  
11      another. If that conduct was going on, whoever was  
12      doing it was responsible and his superiors were  
13      responsible. And if there was another institute  
14      overseeing the institute in question, they were  
15      responsible. So my answer is yes, I agree with the  
16      content of what I've said.

17   Q. What were the middle of the night underpants seances  
18       you refer to?

19   A. Something that I have been told.

20   Q. Told by whom?

21   A. I can't remember.

22   Q. Do you remember when you were told?

23   A. Before this letter was written.

24   Q. Okay. Going to the last paragraph, the middle  
25       sentence says, quote, "Things are worse yet than you

1       have discovered," unquote. Would you explain which  
2       things that were not discovered and yet are worse?

3       A. This refers to a psychological environment in which  
4       injustice, not on a sexual scale, but on a religious  
5       level, was operative, particularly by which there  
6       seemed to be never a channel of redress. And that,  
7       for me as a priest, is far worse than a moral fault,  
8       grave as it is objectively, has not been determined  
9       as having happened in this case.

10      Q. If we go on to Exhibit B, the first page, two-thirds  
11      of the way down, the following sentence states,  
12      quote, "I have, therefore, no wish to jeopardize my  
13      future with further contact with the demonic that  
14      exist in Pennsylvania," unquote. What did you mean  
15      by the demonic?

16      A. Well, Lord Jesus Christ said that the devil is the  
17      prince of lies. If what you're dealing with is a  
18      nexus of lies out of which there is no channel of  
19      escape, that is certainly from a theological point  
20      of view indicative of wicked, of evil, which is what  
21      demonic means.

22      Q. Okay. At the bottom of that page it says, quote,  
23      "Last year, last spring, a young boy from  
24      Christendom College sat in the cloister of the  
25      monastery where I've been living these past two

1        years and explained to me, with a perfectly straight  
2        face, why Carlos Urrutigoity's sleeping with teenage  
3        boys was perfectly acceptable," unquote. You wrote  
4        that?

5        A. I did.

6        Q. And it's your testimony now that you can't remember  
7        who that boy was?

8        A. I don't remember his name.

9        Q. Go on to the second page. The fourth line down, you  
10       write, quote, "In my situation the kid did come to  
11       accept my take on the situation after a few  
12       illustrations. But more to the point, I had known  
13       about this stuff for at least three years," unquote.  
14       When you talk about this stuff, you mean Father  
15       Urrutigoity sleeping with boys?

16       A. The general syndrome.

17       Q. What do you mean, general syndrome, what's that?

18       A. The syndrome is a condition that prevails. General  
19       means in genere.

20       Q. What are you talking about, the syndrome as relates  
21       to sleeping with boys?

22                        MR. LEESON: I object, Jim. He did say  
23       that it referred to sleeping with boys.

24       BY MR. BENDELL:

25       Q. Well, Father, can you give us more specificity about



1           what you mean by the general syndrome?

2       A.   The imprudence of behaving as so much behavior that  
3           I saw as a senior priest who was responsible for  
4           initiating this pastoral work in the Diocese as I  
5           saw develop was a syndrome and it was general.

6       Q.   Do you remember any parents of St. Gregory's Academy  
7           complain to you about the conduct of the Society of  
8           Saint John priests?

9       A.   No.   I had no contact with any parents of any boy at  
10          Saint Gregory's Academy.

11      Q.   Father, before you entered religious life, were you  
12          an airline steward?

13      A.   Yes.

14      Q.   And what airline was that?

15      A.   American Airlines.

16      Q.   And what years were you an airline steward?

17      A.   I worked 1988, about a year and a half, that was it.

18      Q.   Now, at one point you moved from Chicago to  
19          Scranton, is that correct?

20      A.   No.   What do you mean?

21      Q.   I'm sorry, I couldn't hear you.

22      A.   No, I never moved from Chicago to Scranton.

23      Q.   Did you ever live in Chicago?

24      A.   I did.

25      Q.   Did you have a friend in Chicago who was a

1           hairedresser?

2       A.   Not that I remember.

3       Q.   And when you left Scranton to go to La Crosse, that  
4           was totally your decision, you were not ordered to  
5           go by Father Devillers?

6       A.   I was not.

7                           MR. BENDELL:  No further questions.

8   EXAMINATION

9       BY MR. CIMINI:

10      Q.   This is Vince Cimini.  Father Oppenheimer, I just  
11           have a few questions for you.

12      A.   Yes.

13      Q.   Father Oppenheimer, did you ever see Father  
14           Urrutigoity ever sleep with any boys while at Saint  
15           Gregory's Academy?

16      A.   No.

17      Q.   Did you ever see Father Urrutigoity perform any type  
18           of sexual act on another boy while at Saint  
19           Gregory's Academy?

20      A.   No.

21      Q.   Did you ever see Father Urrutigoity ever provide any  
22           alcohol to any boys at St. Gregory's Academy?

23      A.   No.

24      Q.   There was a reference earlier in one of your e-mails  
25           regarding an underpants seance, and my question is,

1           did you ever see or participate in any of these  
2           underpants seances that may have occurred?

3       A.   I neither saw them nor did I participate in them.

4       Q.   And you indicated that this was told to you,  
5           correct?

6       A.   It was.

7       Q.   And you don't recall who it was that told this to  
8           you?

9       A.   I do not.   It was, however, someone there at the  
10          time, but I don't remember who.

11                   MR. CIMINI:   I think that's all that I  
12          have, Father Oppenheimer.   Thank you.

13                   MR. O'BRIEN:   I have no questions.

14                                   EXAMINATION

15       BY MR. CIMINI:

16       Q.   Father Oppenheimer, just a few more questions.   Did  
17           you know a Father Eric Ensey?

18       A.   Who is speaking to me, please?

19       Q.   This is Vince Cimini.

20       A.   I'm sorry, your question?

21       Q.   Did you know a Father Eric Ensey?

22       A.   I did -- do.

23       Q.   And while you were at Saint Gregory's Academy, did  
24           you ever see Father Eric Ensey sleep with any boys?

25       A.   No.

1 Q. Did you ever see Father Eric Ensey perform any type  
2 of sexual act on another boy?

3 A. No.

4 Q. Did you ever see Father Eric Ensey provide liquor to  
5 any boy at the Academy?

6 A. No.

7 MR. CIMINI: I have no further questions.  
8 Thank you, Father. That's it.

9 MR. LEESON: This is Joe Leeson, no  
10 questions.

11 MR. BENDELL: I guess that's concludes  
12 the deposition. This is Jim Bendell again. I'd  
13 like the deposition transcribed. And with regard to  
14 the video, I'd like to ask the videographer to send  
15 me the original plus one copy. The other attorneys  
16 may want to order their own separate copies and I'll  
17 defer to them on that.

18 (Whereupon, the deposition ended at  
19 approximately 11:05 a.m.)

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